

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHWESTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ROBERT LEE CAVINS, JR.,

Defendant.

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Case No. 05-5033-CV-SW-RED

ORDER

NOW before the Court are pro se Defendant's Jurisdictional Challenges (Doc. 24) and Motion to Dismiss for Want of Territorial Jurisdiction (Doc. 25) and the Government's Responses to Defendant's Jurisdictional Challenges (Doc. 30) and Motion to Dismiss for Want of Territorial Jurisdiction (Doc. 31). The United States Magistrate Judge James C. England entered his Report and Recommendation (Doc. 36), recommending that Defendant's Jurisdictional Challenges and Motion to Dismiss be denied. Defendant has filed an objection (Doc. 39) to the Report and Recommendation in which he again challenges the Court's personal and subject matter jurisdiction.

Upon a *de novo* review the Court ADOPTS and incorporates as its own Opinion and Order the Magistrate's Report and Recommendation. Accordingly, and for the reasons articulated by the Magistrate in the Report and Recommendation (Doc. 36) it is hereby

ORDERED that Defendant's Jurisdictional Challenges (Doc. 24) and Motion to Dismiss for Want of Territorial Jurisdiction (Doc. 25) are **DENIED**.

IT IS SO ORDERED.

DATE: March 3, 2006

/s/ Richard E. Dorr

RICHARD E. DORR, JUDGE
UNITED STATES DISTRICT COURT